

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, April 6, 2009

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger, P. Plante, B. Pociask, B. Ryan

Alternates present: M. Beal, G. Lewis, L. Lombard

Chairman Favretti called the meeting to order at 7:42 p.m. If needed, alternates will act in the following order: Beal, Lewis and then Lombard. Lombard reported that he had listened to the tapes of the 3-16-09 meeting.

Holt MOVED, Favretti seconded, to add to the agenda under New Business, a tree removal without permission on Farrell Road, a Mansfield designated scenic road. MOTION PASSED UNANIMOUSLY.

Minutes:

3/16/09-Hall MOVED, Gardner seconded, to approve the 3/16/09 Minutes as written. MOTION PASSED UNANIMOUSLY.

3/16/09 Field Trip-Holt MOVED, Beal seconded, to approve the 3/16/09 Field Trip minutes as written. MOTION PASSED with Holt, Beal, Gardner, Favretti, Ryan and Lombard in favor, all others disqualified.

Continued Public Hearing:

4-Lot Subdivision, Hanks Hill & Farrell Rds., Clark Estates Subdivision, File #1280

Chairman Favretti opened the continued Public Hearing at 7:43 p.m. Members present were R. Favretti, B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger, P. Plante, B. Pociask, B. Ryan, and alternates M. Beal, G. Lewis, L. Lombard. Padick noted the following communications received and distributed to all members: a 3-4-09

revised set of plans and a 3-4-09 letter from E. Pelletier of Datum Engineering and Surveying; a 4-2-09 report from Gregory Padick, Director of Planning; and a 4-2-09 report from Grant Meitzler, Assistant Town Engineer.

Ed Pelletier of Datum Engineering and Surveying; John Alexopoulos, Landscape Architect; and Pat Clark, son of the property owner Sheila Clark, were present this evening. Pelletier submitted 13 of 13 return receipts for neighborhood notification. Pelletier reviewed the changes to the plans based on staff and Conservation Commission comments. He distributed a one sheet revised plan based on review comments made in Padick's 4-2-09 report and depicted trees to be saved as identified by Alexopoulos, noting that these changes will be added to the full set of plans. Pelletier requested a front setback waiver for the lots fronting on Farrell Road. He presented the Commission with two alternative proposal sheets regarding the BAE on Lot #3.

Holt requested Pelletier review the details of the two proposals for the BAE/DAE revisions on Lot #3. Gardner questioned if resubdivision of Lot #3 is in the future plans.

Favretti questioned Pelletier if he had considered using a common driveway entrance, for lots 1 and 2, to lessen stonewall disturbance. Pelletier stated that he had not, so Favretti urged him to consider the option, and to also carefully review the height of the stone wall along Farrell Road to see if sections actually need to be removed in order to enhance visibility. Holt asked Alexopoulos if any significant trees would have to be removed should the driveway arrangement be changed. Pelletier stated that the proposed house sites are oriented to maximize solar orientation and if a common driveway is required, it would limit solar orientation on one lot.

Holt MOVED, Hall seconded, to continue the Public Hearing for the Clark Estates Subdivision to the meeting on April 20, 2009.

MOTION PASSED UNANIMOUSLY.

Public Hearing:

Special Permit, Proposed Efficiency Unit to an existing Single Family Home, 447 Browns Rd., Brenckle o/a File #1282

Chairman Favretti opened the Public Hearing at 8:26 p.m. Pociask

disqualified himself and Favretti appointed Beal to act. Members present were R. Favretti, B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger, P. Plante, B. Ryan, and alternates M. Beal, G. Lewis, L. Lombard. Padick read the legal notice as it appeared in the Chronicle on 3/24/09 and 4/1/09. Padick noted the following communications received and distributed to all members: a 4-6-09 report from Gregory Padick, Director of Planning; and a 3-27-09 approval from Eastern Highlands Health District. He noted that neighborhood notifications have been met and no comments have been received.

Patricia Brenckle, applicant was present to answer and questions.

Members noted no visual or neighborhood impacts. Favretti noted no questions or comments from the audience or the Commission. Holt MOVED, Plante seconded, to close the Public Hearing. MOTION PASSED with all in favor except Pociask who disqualified himself.

Goodwin MOVED, Holt seconded, to approve with conditions the special permit application (file #1282), of P. Brenckle, for an efficiency apartment on property located at 447 Browns Road, in an RAR-90 zone, as submitted to the Commission and shown on a site plan dated 2/18/09 and undated floor plans, and other applicant submissions, and as presented at a Public Hearing on 4/6/09.

This approval is granted because the application, as hereby approved, is considered to be in compliance with Article X, Section M, Article V, Section B, and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval is granted for a one-bedroom efficiency unit in association with an existing single-family home having up to three additional bedrooms. Any increase in the number of bedrooms on this property shall necessitate subsequent review and approval from Eastern Highlands Health District and the Planning and Zoning Commission;
2. This approval is conditioned upon continued compliance with Mansfield's zoning regulations for efficiency units, which include owner-occupancy requirements and limitations on the number of residents in an efficiency unit;

3. This special permit shall not become valid until filed upon the Land Records by the applicant.

MOTION PASSED with all in favor except Pociask who disqualified himself.

Zoning Agent's Report:

Hirsch noted an increase in permits this month. Holt asked that Hirsch contact Richard DeBoer to try to gain access to his property to evaluate the vehicles and equipment on the site.

New Business:

3. **Site Modification Request: Proposed expansion of dwelling unit, 8 Hanks Hill Rd. Block Properties, LLC o/a**

Padick reported that the PZC must determine if this proposal can be approved by a modification request or if a Special Permit is needed. Padick reviewed the proposal with the PZC. It was their consensus that the extent of the work proposed necessitates a Special Permit application. Favretti instructed Mr. Block to work with staff to submit a Special Permit application for the next meeting.

Old Business:

5. **Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Road and Mansfield Avenue.**

Lombard disqualified himself. Padick reviewed the background of this site and discussed the conclusions that were drawn based on the meeting he and Chairman Favretti had with B. Hussey and his Attorney K. Olson. Extensive discussion followed but no conclusions were reached. It was decided that the members should think further about this issue and come prepared to discuss the matter at the next meeting. Padick agreed to highlight key elements to set a framework for this discussion. He asked that members continue to think of possible proposals to discuss at the next meeting.

Other Old Business:

1. **Proposed Zoning Regulation Amendment, Valley View, LLC., File #1281**

Tabled pending 4/20/09 continued Public Hearing.

2. **Proposed Special Permit Modification, 1559 Stafford Road, Valley View LLC., File #105**

Tabled pending action on associated regulation revision.

3. **Application to Amend the Zoning Map, Whispering Glen, LLC, 73 Meadowbrook Lane, File #1283**
Tabled-awaiting 5/4/09 Public Hearing.
4. **Special Permit Application for a Proposed 37 Unit Multi-Family Development, Whispering Glen, LLC, 73 Meadowbrook Lane, File #1284**
Tabled-awaiting 5/4/09 Public Hearing.

New Business:

1. **New Subdivision Application, 3 lots, Wormwood Hill Rd, K. Hallock o/a, File #1285**
Goodwin MOVED, Plante seconded, to receive the SUBDIVISION application (file # 1285) submitted by Kathryn Hallock for a 3-lot subdivision on property located at the east side of Wormwood Hill Road
owned by the applicant as shown on plans dated 03/20/09, and as described in other application submissions, and to refer said application to the staff, Conservation Commission, and Open Space Preservation Committee for review and comments. MOTION PASSED UNANIMOUSLY.
2. **8-24 Referral: Proposed 2009/10 Capital Improvement Budget**
Holt MOVED, Plante seconded, that the PZC approve, subject to the condition below, the proposed 2009-10 Capital Improvement Program.
 1. Several items are land use-regulated and may require PZC and/or IWA approvals before implementation. The PZC respectfully requests that the departments involved with land use projects coordinate plans with the Director of Planning and Inland Wetland Agent and that the Commission/Agency be given adequate time to thoroughly review and act upon final plans for all projects that require PZC or IWA approval.MOTION PASSED UNANIMOUSLY.

4. **Site Modification Request: Proposed Groundwater Remediation System, 632 Middle Turnpike Merchants Mansfield o/a (CVS), File #1157-2**

It was agreed by consensus to refer this modification request to staff for review.

5. **Farrell Road, Town Designated Scenic Road, Tree Removal**

Chairman Favretti informed the Commission about the removal of an oak tree on Farrell Road, a town of Mansfield scenic road, without the Commission's approval as required. The PZC had denied a request for the removal of this tree about two years ago. He asked that the PZC support his writing a letter to the Department of Public Works regarding tree removal on a Town designated scenic road with the required approval from the PZC, and to request an explanation for this occurrence. By consensus, the PZC authorized the Chairman to write such a letter to the D.P.W.

Reports of Officers and Committees:

Favretti noted the next Regulatory Review Committee meeting is set for 4/13/09 at 1 p.m. and a Field Trip set for 4/15/09 at 1 p.m.

Communications and Bills:

Noted.

Adjournment:

Favretti declared the meeting adjourned at 10:08 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary